REMARKS

Summary of Office Action

Claims 1, 2, 4, 5, 14-17, 19, 28, 29, and 31 stand rejected under §102(e) as allegedly being anticipated by Fujita et al. (US Pat. No. 6,538,390).

Claims 6, and 20 stand rejected under §103(a) as allegedly being unpatentable over Fujita et al. in view of Zhang et al. (US Pat. No. 5,313,075).

Claims 3, 7-13, 18, 21-27, 30, and 32 stand objected to for being dependent upon a rejected base claim but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Summary of Amendment

No claims have been amended at this time. Claims 1-32 are currently pending for further consideration.

Claim Objections

Applicant wishes to thank the Examiner for indicating allowable subject matter in claims 3, 7-13, 18, 21-27, 30, and 32. Although indication of allowability of these dependent claims is gratefully acknowledged, Applicant respectfully submits that all the claims are now allowable over the prior art of record for the reasons set forth below and therefore wishes to defer amending these claims subject to reconsideration of the following remarks.

All Claims Comply With §102 and §103

Claims 1, 2, 4, 5, 14-17, 19, 28, 29, and 31 stand rejected under §102(e) as allegedly being anticipated by Fujita et al., and claims 6 and 20 stand rejected under §103(a) as allegedly

being unpatentable over Fujita et al. in view of Zhang et al. Applicant respectfully disagrees.

Independent claim 1 recites, in part, "a switching device formed ***on*** the low refractive thin film" (emphasis added), and independent claim 15, recites, in part, "forming a switching device ***on*** the low refractive thin film" (emphasis added). Fujita et al. does not teach such a feature.

In the final Office Action, the Office construes the "low refractive thin film" recited in claims 1 and 15 as Fujita et al.'s planarization film (12), the "switching device" recited in claims 1 and 15 as transistor (2) (formed of active layer 9, gate electrode 11, source electrode 13, and interconnection 10 acting as the drain electrode), and the "substrate" recited in claims 1 and 15 as substrate (1). (*See* FIGs. 3(o), 5-7, and 9; FOA: p. 3, para. 4, lns. 4, 5, and 14.) FIGs. 3(o), 5-7, and 9 of Fujita et al,. as construed in the rejection, readily show that the "switching device" (i.e., transistor (2)) ***is not*** "formed ***on*** the low refractive thin film" (i.e., planarization film (12)) as recited in claims 1 and 15. Rather, FIGs. 3(o), 5-7, and 9 of Fujita et al. show that transistor (2) is formed ***below*** the planarization film 12.

Therefore, even under the Office's interpretation of what "on" means (FOA: p. 2, paragraph 1), Fujita et al. fails to teach "a switching device formed ***on*** the low refractive thin film (emphasis added)" or a step of "forming a switching device ***on*** the low refractive thin film (emphasis added)" as recited in claims 1 and 15. It would be improper to suggest a transistor (2) formed ***below*** planarization film (12) as taught by Fujita et al. is somehow formed "on" the planarization film (12) even under the broadest possible interpretation of the term "on." Hence, for at least these reasons, Applicant respectfully submits that claims 1 and 15 are not anticipated

by Fujita et al. and respectfully requests that the rejection be withdrawn.

Independent claim 14 recites, in part, "a first insulating layer formed ***between*** the substrate and the low refractive thin film ***to cover the switching device***" (emphasis added), and independent claim 28 recites, in part, "forming a first insulating layer ***between*** the substrate and the low refractive thin film ***to cover the switching device***" (emphasis added). Such features are fully supported in the exemplary embodiment as illustrated in FIG. 6, for example. Fujita et al. fails to teach such features.

As discussed above, the Office construes "a switching device" recited in claims 14 and 28 as being taught by transistor (2) in FIGs. 3(o), 5-7, and 9 of Fujita et al. (FOA: p. 5, para. 8, lns. 12, 16.) More specifically, Fujita et al.'s transistor (2) as shown in these figures consists of active region 9, a gate electrode 11, source electrode 13, and interconnect 10 acting as a drain electrode. The Office then construes that the "first insulating layer" recited in claims 14 and 28 as being taught by gate insulating layer 3 of Fujita et al. However, the gate insulating layer 3 of Fujita et al. does not "cover the switching device" as required by claims 14 and 28 because the gate insulating layer 3 of Fujita et al. is ***part of*** the transistor (2) (i.e., part of the "switching device"). The gate insulating layer 3 is formed between the active layer 9 and the gate electrode 11 to provide the dielectric layer to form a gate. For gate insulating layer 3 to be "covering" the transistor (2) as alleged, layer 3 would have to be formed ***over***, not ***below***, the gate electrode 11. As layer 3 of Fujita et al. is formed between the active layer 9 and gate electrode 11, the layer 3 is ***part of*** the transistor (2). To suggest otherwise would be an unreasonable distortion of the common meaning of the term "cover." Hence, for at least these reasons, Applicant respectfully

submits that claims 14 and 28 are not anticipated by Fujita et al. and respectfully requests that the rejection be withdrawn.

As to claims 2 and 17, Kamijo was only relied upon to teach the properties of silicon dioxide and therefore does not cure the deficiencies of Fujita et al. Hence, Fujita et al. and Kamijo, whether taken individually or in combination, fail to teach or suggest the features as claimed. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

As to dependent claims 6 and 20, these claims depend from independent claims 1 and 15, respectively, albeit indirectly. Zhang et al. does not cure the deficiencies of Fujita et al. as explained above. Hence, Fujita et al. and Zhang et al., whether taken individually or in combination, fail to teach or suggest the invention as recited in claims 6 and 20. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

As to dependent claims 3-5, 7-13, 16, 18-27, and 29-32, these claims all depend from one of independent claims 1, 14, 15, and 28. Hence, these claims are allowable over for at least the same reasons as stated above.

CONCLUSION

In view of the foregoing, reconsideration and timely allowance of the pending claims are respectfully requested. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time

under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

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By: Mary Jane Boswell Reg No. 33,652 for
Kyle J. Choi
Reg. No. 41,480

Customer No.: 009626
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202.739.3000
Facsimile: 202.739.3001